

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1804.01
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	September 18, 2001
DATE OF REPORT:	October 18, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 5, 2001

COMPLAINT ISSUES:

Whether the Lebanon Community School Corporation and the Boone-Clinton-North West Hendricks Joint Services violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The student (Student) is 9 years old, is in the 4th grade, and is eligible for special education services as a student with a learning disability and a communication disorder.
2. The Complainant asserts that the Student's IEP is not being implemented, specifically she asserts that the School has not provided the Student with textbooks on tape and is not providing the Student with the appropriate amount of time in the resource room.
3. The CCC Report/IEP dated May 10, 2001, developed for the 2001-2002 school year, lists fifteen instructional accommodations and modifications, but does not include textbooks on tape. Using textbooks on tape was not listed as a modification, but was listed in the CCC Report/IEP dated May 10, 2001, under ADDITIONAL CONFERENCE NOTES: "[Student] may benefit from hearing the soc. studies & science textbooks on tape." The Director reports that the special education teacher reviewed the tapes and decided the level of the material exceeded the Student's listening comprehension skills, and chose not to use the tapes with the student. The Complainant was not notified of this decision.
4. During the case conference on May 10, 2001, the Complainant requested that the Student be assigned more instructional time with the special education teacher. The May 10, 2001, IEP documents the parent's agreement that the time in the resource room be increased to 21-60% of the day. The School provided the Student with the increased time in the resource room. After the 2001-2002 school year started, the Complainant objected to the increased time in the resource room because the Student was not participating in two of the general education classes. The parents have not requested a CCC meeting to discuss the Student's placement.

CONCLUSION:

Findings of Fact #2 and #3 indicate that the use of textbook tapes was discussed, but neither the IEP nor the CCC Report stated that the tapes were to be utilized. Finding of Fact #4 indicates that the CCC increased the Student's time in the resource room at the request of the Complainant, and the School provided the Student with the increased time. Therefore, no violation of 511 IAC 7-27-7(a) occurred.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: October 18, 2001